

EXHIBIT 55

MAO DECLARATION OPPOSITION TO SUMMARY JUDGMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

ANIBAL RODRIGUEZ, et al.,)
individually and on behalf of)
all others similarly situated,)
)
Plaintiffs,)
) Case No.:
vs.) 3:20-CV-04688
)
GOOGLE LLC, et al.,)
)
Defendant.)
)

* * CONFIDENTIAL * *

Videotaped Deposition of
ANIBAL RODRIGUEZ
(Conducted Remotely)
Sunday, October 16, 2022
12:03 p.m. EDT

Job No.: 5516994
Reported by: BRENDA MATZOV, CSR NO. 9243

1	my -- my information have to do with me having	12:44:55
2	directions?	12:44:59
3	Q. When you type an address into Google	12:45:00
4	Maps, you're aware that that address goes to	12:45:04
5	Google -- right? -- to Google servers?	12:45:08
6	A. I -- oh, probably.	12:45:12
7	Q. Is there somewhere else you think it	12:45:19
8	might go besides to Google?	12:45:22
9	A. I don't know. I -- I'm not a -- a --	12:45:25
10	a web -- you know, I don't know anything about	12:45:28
11	that.	12:45:33
12	Q. That's fair.	12:45:36
13	Okay. So assuming that Google gets	12:45:36
14	your location or the address you type into Google	12:45:39
15	Maps, under that assumption, but you have Web &	12:45:43
16	App Activity off, do you think Google should	12:45:50
17	be able to give you directions to get to that	12:45:54
18	address that you've typed in? Let's say it's,	12:45:56
19	like, a restaurant or -- or a friend's house.	12:45:59
20	A. Why -- why not?	12:46:04
21	I mean, again, I mean, what does that --	12:46:06
22	what does Maps have to do with my information?	12:46:07
23	If I'm trying to get to McDonald's that's in --	12:46:10
24	possibly ten miles away and I put in "McDonald's,"	12:46:15
25	why do you need my information for me to get	12:46:20

1	that address?	12:46:24
2	Q. When you use Google Maps, do you ever	12:46:26
3	use the My Location feature? Like, the little	12:46:29
4	blue dot that tells you where you are?	12:46:32
5	A. I may have in the past. But, no, I	12:46:37
6	mean, it -- it ought to -- it -- it will say my	12:46:41
7	location if -- if that's the case, it will say	12:46:44
8	my location. It already knows where I'm coming	12:46:48
9	from.	12:46:52
10	Q. When you say "it," you mean Google	12:46:55
11	Maps, like, already knows your original --	12:46:57
12	your origination location when you're --	12:46:59
13	A. Right.	12:47:01
14	Q. -- trying to get to somewhere else?	12:47:01
15	A. Right.	12:47:04
16	Q. Do you ever use Google Maps to get	12:47:11
17	to places from your workplace?	12:47:13
18	A. Yeah.	12:47:18
19	Q. And how about from home?	12:47:20
20	A. Yes. And if I'm looking for -- if	12:47:23
21	I need directions or to see how long a trip is	12:47:26
22	going to be, I -- I use it.	12:47:31
23	Q. Okay. So I just want to take a step	12:47:43
24	back to something we were talking about earlier	12:47:46
25	when we were talking about Web & App Activity.	12:47:47

1	A. Uh-huh.	12:47:49
2	Q. And you said that's one of the --	12:47:49
3	that's a way you told Google Google should	12:47:50
4	not have your information.	12:47:54
5	Besides Web & App Activity, is there	12:47:56
6	any other way in which you have told Google	12:47:58
7	Google should not have your information?	12:48:02
8	A. Well, that's the main button. That's,	12:48:06
9	like, the home button. That's the -- that's,	12:48:08
10	like, the -- the button that covers it all.	12:48:09
11	So, again, if -- if -- if the privacy	12:48:16
12	policy says that you give me control to allow	12:48:22
13	you or not to gather that information, I would	12:48:31
14	assume that that main button is going to take	12:48:36
15	care of all the information, all the data that	12:48:41
16	you're gathering.	12:48:43
17	So I wouldn't delve -- I wouldn't dive	12:48:44
18	into other options or -- or -- or -- or privacy	12:48:50
19	information, you know, tabs or something like	12:48:55
20	that, when that's, like, the main one. If that	12:49:00
21	was turned off, I would assume all is turned off.	12:49:03
22	Q. Just to keep the record clear, were you	12:49:11
23	referring to anything in the documents in front	12:49:13
24	of you just now?	12:49:15
25	A. No.	12:49:17

1	Q. Besides your Samsung S21, do you have	12:49:25
2	any other smartphones?	12:49:27
3	A. For myself?	12:49:30
4	Q. Yes.	12:49:32
5	A. No.	12:49:32
6	Q. How about for anyone else in your family?	12:49:35
7	A. My -- my wife has a smartphone and so	12:49:38
8	does my son.	12:49:42
9	Q. Do you have any tablets that you have	12:49:46
10	access to?	12:49:48
11	A. In the past, possibly. But I don't --	12:49:52
12	they -- they haven't been used in a long time.	12:49:54
13	Q. Would you say they've been used in the	12:49:58
14	last two years or so?	12:50:00
15	A. No.	12:50:02
16	Q. What about the last five years?	12:50:04
17	A. Possibly, yes. These are old gifts for	12:50:10
18	my kids. They weren't mine.	12:50:16
19	Q. Okay. So earlier -- I just want to get	12:50:24
20	some clarification on something you said a little	12:50:28
21	bit earlier when we were first talking about the	12:50:30
22	Web & App Activity button.	12:50:32
23	You were saying one of the problems	12:50:34
24	is that Google -- it's like somebody looking	12:50:35
25	over your shoulder.	12:50:40

1 A. Uh-huh. 12:50:41

2 Q. How do you -- how -- like, what part 12:50:41

3 of what Google does is like someone looking 12:50:44

4 over your shoulder? 12:50:50

5 A. Well, if -- when -- when someone's -- 12:50:51

6 when someone's looking over your shoulder, you 12:50:53

7 don't know they're doing it; right? 12:50:56

8 So if -- again, going back to WAA 12:50:58

9 being turned off. I'm assuming you're not 12:51:04

10 over my shoulder, but yet you are. Because 12:51:07

11 I -- that's what -- that's the control I have. 12:51:09

12 So by not having that control and 12:51:12

13 somebody's looking over your shoulder, it's 12:51:17

14 kind of, like, it's spooky, as if it -- if it 12:51:20

15 was in real life, when someone's looking over 12:51:21

16 your shoulder, it's -- it's spooky. What is 12:51:21

17 this person doing? 12:51:25

18 Q. I think you said part of the problem 12:51:29

19 is that Google is profiting off of what information 12:51:31

20 they're gathering. 12:51:36

21 How do you know that? 12:51:39

22 A. It -- because, I mean, that -- that's 12:51:41

23 something that's obvious. If -- if you have 12:51:45

24 free -- if you have free apps and -- it's not 12:51:47

25 free for a reason. You're making money somehow. 12:51:54

1	Google is making money somehow. And it has to	12:51:57
2	be off the data that you're collecting from us,	12:52:00
3	because that's, like, the biggest thing.	12:52:03
4	And so if -- especially, it's --	12:52:07
5	it's telling when you're -- if you have this	12:52:09
6	information -- you're telling me you're gathering	12:52:13
7	information. Why would -- why would the -- I	12:52:16
8	mean, this information that you're gathering	12:52:17
9	obviously is valuable to you. So by default,	12:52:20
10	I would assume that you would be making money	12:52:25
11	off this if this is valuable to you.	12:52:28
12	Q. Have you ever tried to sell your	12:52:32
13	personal information before?	12:52:35
14	A. No.	12:52:37
15	Q. You said it's obvious that Google	12:52:43
16	is making money off of your information.	12:52:45
17	Have you done any investigation into	12:52:50
18	this?	12:52:53
19	A. No. Like -- like, you know, I --	12:52:54
20	I spoke to my -- my attorney. We're -- we're	12:52:57
21	looking into that. And they're investigating	12:52:59
22	it.	12:53:03
23	Q. Do you have any personal knowledge	12:53:06
24	of Google making money off of your WAA off	12:53:09
25	data that was collected through GA for Firebase?	12:53:13

1	MR. LEE: And just so you know,	12:53:19
2	Mr. Rodriguez, when she says "personal information,"	12:53:19
3	I don't want you to talk about information you	12:53:20
4	learned from speaking to your attorneys. Okay?	12:53:23
5	THE WITNESS: Sure.	12:53:25
6	Can you repeat the -- the question?	12:53:25
7	BY MS. ARAKAKI:	12:53:29
8	Q. Sure.	12:53:29
9	Do you have any personal knowledge	12:53:29
10	of Google making money off of your data that	12:53:33
11	it collected while you had WAA off?	12:53:36
12	A. I do not.	12:53:40
13	Q. If Google -- so -- okay.	12:53:40
14	So we were talking about a list of	12:53:47
15	types of information you think Google should	12:53:50
16	not collect or receive if you have WAA off.	12:53:54
17	And -- and we talked about location, your	12:53:58
18	name, IP address, web history.	12:54:00
19	So let's just start with one piece,	12:54:05
20	your -- your -- and you said apps. So let's	12:54:08
21	start with that, apps.	12:54:14
22	If Google knows what apps you use and	12:54:15
23	knows what history or where -- what you've been	12:54:21
24	doing on each of the apps but doesn't do anything	12:54:24
25	with it, would you find that problematic?	12:54:28

1	A. It depends if WAA is on or off. So	12:54:34
2	if it's off, it would be a problem.	12:54:37
3	Q. Why? If it's off, why?	12:54:40
4	A. If you're gathering information? Is	12:54:43
5	that --	12:54:46
6	Q. Yes.	12:54:46
7	A. And not doing anything --	12:54:47
8	Q. Even if Google's not --	12:54:47
9	A. Because --	12:54:48
10	Q. -- doing anything.	12:54:48
11	A. -- I say --	12:54:48
12	Q. Yes.	12:54:48
13	A. Because -- because I -- I -- I -- it's	12:54:48
14	no. It's -- I -- it's -- I -- why would it be	12:54:51
15	okay -- if I say: Do not gather this information.	12:54:55
16	You say: Oh, but I'm not going to use it.	12:54:57
17	Why is -- what -- what -- why is that --	12:55:03
18	why -- why is -- I mean, why would that be okay?	12:55:04
19	If I say no, it's a no, whether it's a -- you	12:55:04
20	use something -- you -- you do something with	12:55:07
21	it or you don't.	12:55:08
22	Q. Let's -- let's take a concrete example.	12:55:13
23	So I think you listed a number of apps	12:55:15
24	that you have installed on your phone over time	12:55:18
25	in -- in the Complaint. And one of them was	12:55:21

1	Android phone, and see what happens from there.	14:12:21
2	Q. Let's turn to the WAA disclosure you	14:12:29
3	have in front of you.	14:12:31
4	Do you still have that there?	14:12:33
5	A. Yes.	14:12:34
6	Q. What date is the WAA disclosure dated?	14:12:39
7	Was it pulled from the website?	14:12:42
8	A. Yes. I'm not -- I'm not sure when	14:12:49
9	it was pulled or what date and time.	14:12:51
10	Q. Is there any date on the page?	14:12:53
11	A. No. I don't have a date on the page.	14:12:57
12	Q. Does it have any numbers on it at the	14:13:00
13	bottom, like a Bates number?	14:13:03
14	A. It does not.	14:13:04
15	Q. Did you print that out or was that	14:13:06
16	given to you?	14:13:08
17	A. It was given to me.	14:13:11
18	Q. Where in that disclosure do you think	14:13:16
19	Google said it would not collect any of your	14:13:23
20	information if WAA's off?	14:13:26
21	A. Well, it's not just here. We have	14:13:29
22	to go back to the Google privacy policy to get	14:13:30
23	to that. When you're in the Google privacy	14:13:34
24	policy, again, it says:	14:13:39
25	"When you use our services, you're	14:13:40

1 trusting us with your information. We understand" 14:13:43
2 that "this is a big responsibility and" hard 14:13:45
3 work "to protect your information and put you 14:13:50
4 in control." (As read.) 14:13:52

5 Okay. So it's -- I -- I'm having control. 14:13:52
6 And then it does on the -- in the privacy policy 14:13:56
7 as well, it does also say -- and, again, I'm reading 14:14:01
8 off the privacy policy, just -- just so you know. 14:14:05

9 "Our services include:" 14:14:07
10 "Google apps, sites, and devices, like 14:14:09
11 Search, YouTube," Home -- "Google Home." (As read.) 14:14:11
12 "Platforms like Chrome browser," the 14:14:14
13 "Android operating system." (As read.) 14:14:16

14 "Products that are integrated" with 14:14:20
15 "third-party apps and sites, like ads and embedded 14:14:21
16 Google Maps." (As read.) 14:14:24

17 And it also goes on. If you look 14:14:24
18 a little bit lower, it does say: 14:14:28

19 "And across our services, you can 14:14:30
20 adjust your privacy settings to control what 14:14:32
21 we collect and how your information is used." 14:14:35

22 So by that, I would -- you know, I 14:14:38
23 would just go to our privacy controls. And -- 14:14:41
24 and I'm going -- my privacy controls are on 14:14:44
25 a different page here. And I'm looking -- it's 14:14:49

1 going to be -- I'm not sure if it's page 9 or 14:14:51
2 something like that. 14:14:54
3 But, anyways, if -- it's -- if -- if 14:14:54
4 I'm going through my privacy controls, I'm going 14:14:56
5 to go where it says activity controls. Okay? 14:14:59
6 On there, again, "Privacy Controls," it says: 14:15:01
7 "Go to Activity Controls." 14:15:04
8 When you go to "Activity Controls," 14:15:06
9 it takes you straight to the WAA disclosure. 14:15:07
10 So if I am reading this and you're saying I'm 14:15:09
11 in control of what data, information that I'm 14:15:18
12 sharing and it tells me that, across all of 14:15:23
13 our services, you -- I can adjust my privacy 14:15:28
14 settings so I can control what you collect and 14:15:31
15 how my information is used, when I go to the 14:15:34
16 WAA disclosure, it does tell me when -- and it 14:15:43
17 also says that I can control -- see and control 14:15:46
18 my web activity. 14:15:50
19 So I do know -- and I see here that 14:15:51
20 when WAA is on, information that you are using 14:15:55
21 or -- or collecting when WAA is on, it does 14:16:01
22 say -- in part of here, it says, when Web & 14:16:06
23 App Activity is on, you can include additional 14:16:08
24 activities like sites and Maps and part -- that -- 14:16:13
25 that partner with Google to show ads, your Chrome 14:16:15

1 browsing history, Android usage, and diagnostics. 14:16:20
2 Also -- and it does say here: 14:16:24
3 "To let Google save this information, 14:16:27
4 Web & App Activity must be turned on." 14:16:29
5 So if I say I don't want it on, I 14:16:33
6 would assume that everything that you're telling 14:16:38
7 me that comes along with it being on would be 14:16:40
8 turned off. 14:16:44
9 MR. LEE: And -- and for the record, 14:16:47
10 Lori, it looks like Mr. Rodriguez's WAA disclosure 14:16:49
11 page, the -- the Bates number was cut off. The 14:16:53
12 Bates number, for -- for the record, is 14:16:56
13 GOOG-RDGZ-00000120. 14:16:58
14 MS. ARAKAKI: Thank you. 14:17:11
15 And -- and we can do this at the next 14:17:11
16 break. But I'll just ask that we mark all of 14:17:14
17 these documents that he's been reading off of. 14:17:17
18 BY MS. ARAKAKI: 14:17:18
19 Q. Just for the record, Mr. Rodriguez, 14:17:18
20 were you just now reading off of only the WAA 14:17:18
21 disclosures? Or were you flipping between the 14:17:23
22 WAA disclosures and the privacy policy? 14:17:26
23 A. Yeah, so we -- my point was that your 14:17:29
24 question is answered, but we -- we can't just 14:17:34
25 look at the WAA disclosure. We have to go back 14:17:37

1	to the privacy policy to understand why anybody	14:17:39
2	would think that, by turning off WAA, that the	14:17:46
3	information that you're saying that, when it's	14:17:53
4	on, that you're collecting would not be collected	14:17:56
5	because it is turned off.	14:18:00
6	Q. Apart from the privacy policy and the	14:18:02
7	WAA disclosure that's right in front of you, is	14:18:04
8	there anything else Google has told you that gives	14:18:06
9	you the under -- your understanding that, when	14:18:07
10	WAA is off, none of your data will be received	14:18:10
11	by Google?	14:18:14
12	A. I don't feel like I need to go	14:18:16
13	anywhere else when the very first page of the	14:18:18
14	Google policy -- privacy policy states that	14:18:21
15	I'm in control. So if I'm reading, I'm going	14:18:23
16	through the process, and I'm going, okay, great.	14:18:25
17	So all I have to do is go to privacy settings	14:18:27
18	and click on this and click on that and I'm	14:18:32
19	good to go.	14:18:36
20	That's -- I mean, I -- I -- the --	14:18:37
21	the -- it's all together, the way I look at	14:18:38
22	it. So if I'm reading one thing, it leads to	14:18:41
23	the other. And it's actually linked together,	14:18:45
24	if you click on the link. That's basically --	14:18:46
25	so I can't just look at just the disclosure by	14:18:48